

PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Masamitsu NAKAMINAMI et al. Art Unit: 3712
Application No. 09/849,437 Examiner: Miller, B.
Filed : May 7, 2001
Title : MACHINE TOOL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING

REJECTION OVER A PRIOR PATENT

Sir:

The owner, Mori Seiki Co., Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,609,448. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant

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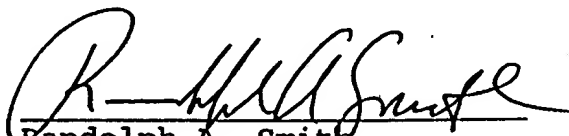
application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The \$110.00 fee for terminal disclaimer fee under 37 CFR 1.20(d) is included with this paper as indicated on the attached Transmittal Letter.

Please telephone the undersigned if there are any questions regarding this application. The undersigned is the attorney of record.

Respectfully submitted,

Date: November 12, 2004


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